

The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406) 395-4478 or 4210 - Finance Office
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31 Agency Square
Box Elder, Montana 59521

October 30, 2017

Attn: Revise Indian Trader Rule
Office of Regulatory Affairs & Collaborative Action
Office of the Assistant Secretary – Indian Affairs
1949 C Street NW, Mail Stop 4660-MIB
Washington, DC 20240

RE: Licensed Indian Traders, Comments on Revision

Sir,

The Chippewa Cree Tribe of the Rocky Boy's Reservation reviewed 25 CFR part 140, transcripts of select consultation sessions, the Harvard study, and relevant tribal documents. Tribal staff and leadership discussed possible revisions according to our situation and interest. Please consider the following.

Background

The Rocky Boy's Reservation was flooded on three separate occasions within a four year time frame. All of those floods were classified as federal natural disasters thereby prompting federal involvement from the DHS FEMA. FEMA funds were used to develop a Master Plan for flood recovery that included a health center/complex to anchor centralized community development. Funding from the State of Montana resulted in a Preliminary Engineering Report (PER) for the Middle Dry Fork Development Area, based on the Master Plan. The PER covers infrastructure and construction for tribal government operations, private sector development, housing and community facilities with a total cost estimate at \$300 million. The floods began in 2010 and our health center was damaged beyond repair. Construction of a 96,000 sq. ft. new health center will be completed in the latter months of 2017 and was mostly funded by the Chippewa Cree Tribe. Clearly, completing construction of the health facility does not demonstrate the true "speed of business" that would have allowed for maximum economic gain with minimal resource input.

Consultation Regarding Economic Freedom and Empowerment

1. The Chippewa Cree Tribe of the Rocky Boy's Reservation has a Master Plan and a Preliminary Engineering Report. Project-specific facility and infrastructure A & E designs are needed. Each potential federal partner has different NEPA, project reporting, and financial management requirements that can be confusing, conflicting, and overkill. The Tribe has enacted a Uniform Commercial Code, business licensing, TERO, a

tribal environmental assessment review process, and procurement policies and procedures. To fully develop the Master Plan, and the forecasted 400 jobs, the Tribe advocates for an economic stimulus package that consolidates federal resources from the SBA, DOI, USDA, DoEnergy, and the US Treasury's CDFI agencies/programs into a single funding source with streamlined environmental assessment review, financial reporting, and tribal capacity development.

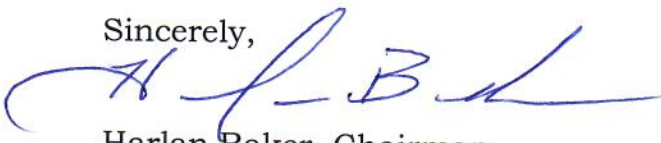
2. The State of Montana Department of Commerce issued a report, "Economic Contributions of Reservations to the State of Montana 2003 – 2009" which indicated over \$6 billion of public sector contribution to the State from the seven reservations in Montana, 4 of which are in the northern tier including the Rocky Boy's Reservation. On average, the contribution is over \$1 billion per year from the reservations
3. The Chippewa Cree Tribe of the Rocky Boy's Reservation was established by Act of Congress and, even so, calls attention to existing treaties that may have implications for international trade, especially for those tribes located in close proximity to international borders.

The wording within 25 CFR part 140 is archaic and must be revised specifically to address prohibitions against gaming, lending, peyote, and hemp. Strengthening dispute resolution and jurisdictional oversight, while building regulatory tribal capacity would heighten economic sovereignty for the nations. The key is to fulfill obligations at the speed of business with stringent, high penalty for tribal and trader violators. Co-regulation is critical with tribal compliance programs strengthened to meet the challenges within tribal lending and gaming.

In addition to the UCC, TERO, business licensing and tribal environmental assessment review processes, the Chippewa Cree Tribe supports business through the provision of essential goods and services – education of the workforce, public safety, roads, self-insurance, judicial system, and environmental infrastructure. In closing, there is concern about the states benefitting through federal programs that are based on poverty – the poverty that exists in our native, tribal communities.

Thank you for your consideration.

Sincerely,



Harlan Baker, Chairman

Tribal Business Committee, Chippewa Cree Tribe of the Rocky Boy's Reservation